SBCivil Writ Petition No.3446/1991
(Shantanu Kumar v. State of Raj.& Ors.)

Date of Order :: 18th November, 2005

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. J.P.Joshi, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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By this petition for writ a direction is sought by the petitioner to quash the notification issued under Section 4 and declaration issued under Section 6 of the Land Acquisition Act, 1894. The petitioner has also given challenge to the notices issued under Sections 9 and 10 of the Rajasthan Tenancy Act.

The land pertaining to which acquisition proceedings under Section 4 were initiated and declaration under Section 6 was made is situated at Jaipur. The notification as well as declaration too were issued by the Land Acquisition Officer, Urban Development Schemes, Jaipur. The land is sought to be acquired for the purpose of Urban Development by the Jaipur Development Authority.

Whatever cause of action accrued to prefer present writ petition arose at Jaipur. The territorial jurisdiction to adjudicate the present writ petition in light of Presidential Order dated 13.1.1977 and also in light of notification No.1/JB dated 23.12.1976 passed by the then Acting Justice of this Court vests with Jaipur Bench of this Court. Hon'ble Supreme Court also in the case of Rajasthan High Court Advocates Association v. Union of India & Ors., reported in 2001 (2)SCC 294, held that in case of a dispute arising where an individual case or cases should be filed and heard i.e. either at Jodhpur or at Jaipur, then the

same is to be decided by applying the test i.e. from which district the case arises.

In the present case the cause originated at Jaipur, therefore, jurisdiction to entertain the cause agitated in present writ petition lies before Jaipur Bench of this Court.

The present petition was presented before this Court by the petitioner in the year 1991 and the same remained pending for hearing before this Court for more than a period of 14 years, therefore, instead of returning the record of the case to the petitioner for its proper presentation before Jaipur Bench of this Court, I consider it appropriate to direct the registry of this Court to place record of the case for its registration as petition for writ before Deputy Registrar (Judl.) of this Court at Jaipur Bench, Jaipur and then to list the petition for hearing there. Notices for hearing of the petition also be given to the parties to the proceedings.

(GOVIND MATHUR),J.

kkm/ps.